

CHAPTER 16**MOTOR VEHICLE LICENSE REVOCATION FOR DRUG OFFENSES***S.F. 373*

AN ACT relating to the operation of a motor vehicle while under the influence of a drug, and providing for the revocation of motor vehicle licenses for drug offenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 124.412, Code 1993, is amended to read as follows:

124.412 NOTICE OF CONVICTION.

~~Whenever any~~ If a person enters a plea of guilty to, or forfeits bail or collateral deposited to secure the person's appearance in court, and such forfeiture is not vacated, or ~~if a person~~ is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation and to any state board or officer by whom the convicted person has been licensed or registered to practice the person's profession or carry on the person's business. On the conviction of ~~any such~~ a person, the court may, ~~in its considered judgment,~~ suspend or revoke the license or registration of the convicted defendant to practice the defendant's profession or carry on the defendant's business. On the application of ~~any~~ a person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, ~~said the~~ board or officer may reinstate such the license or registration.

Sec. 2. NEW SECTION. 126.26 NOTICE OF CONVICTION.

If a person enters a plea of guilty, or forfeits bail or collateral deposited to secure the person's appearance in court, and the forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation.

Sec. 3. Section 321.205, Code 1993, is amended to read as follows:**321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER STATE.**

The department is authorized to suspend or revoke the motor vehicle license of a resident of this state upon receiving notice of the conviction of the resident in another state or for a conviction under federal jurisdiction for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license or upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license in this state.

The department shall suspend or revoke for one hundred eighty days the motor vehicle license of a resident of this state upon receiving notice of conviction in another state or under federal jurisdiction for an offense enumerated under section 321.209, subsection 8.

Sec. 4. Section 321.209, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A controlled substance offense under section 124.401, 124.401A, 124.402, or 124.403; a controlled substance tax offense under chapter 453B; a drug or drug-related offense under section 126.3; or an offense under 21 U.S.C. ch. 13.

Sec. 5. Section 321.212, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The department shall revoke a motor vehicle license under section 321.209, subsection 8, for one hundred eighty days. If the person has not been issued a motor vehicle license, the issuance of a motor vehicle license shall be delayed for one hundred eighty days after the person is first eligible. If the person's operating privileges have been

suspended or revoked at the time the person is convicted, the one-hundred-eighty-day revocation period shall not begin until all other suspensions or revocations have terminated.

Sec. 6. Section 321.213, Code 1993, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 124, 126, 321A, or ~~chapter~~ 321J, or 453B for which the penalty is greater than a simple misdemeanor, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or section 124.401, 124.402, 124.403, a drug offense under section 126.3, or ~~chapter 321A~~, or ~~chapter 321J~~, or 453B constitutes a final conviction of a violation of a provision of this chapter or section 124.401, 124.402, 124.403, a drug offense under section 126.3, or ~~chapter 321A~~, or ~~chapter 321J~~, or 453B for purposes of section 321.189, subsection 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 7. Section 321.215, subsection 1, paragraph e, Code 1993, is amended to read as follows:
e. The person's court-ordered community service responsibilities.

However, a temporary restricted license shall not be issued to a person whose license is revoked under section 321.209, subsections 1 through 5 or subsection 7 or 8. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. 8. Section 321.215, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.209, subsection 5 ~~or~~, 6, or 8; 321.210; 321.210A; 321.513; or 321.555, subsection 2, and upon the denial by the director of an application for a temporary restricted license, a person may apply to the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

Sec. 9. Section 321.215, subsection 2, paragraphs a and d, Code 1993, are amended to read as follows:

a. The temporary restricted permit is requested only for a case of extreme hardship or compelling circumstances where alternative means of transportation do not exist.

d. Proof of financial responsibility is established as defined in chapter 321A; ~~however~~. However, such proof is not required if the motor vehicle license was suspended under section 321.210A or 321.513 or revoked under section 321.209, subsection 8.

Sec. 10. Section 321.491, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All federal courts located in the state are requested to forward to the department a record of conviction of a person for a violation of a federal drug or controlled substance law.

Sec. 11. Section 321A.17, subsection 5, Code 1993, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.209, subsection 8, section 321.210A, 321.216, or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 12. **NEW SECTION. 453B.16 NOTICE OF CONVICTION.**

If a person enters a plea of guilty, or forfeits bail or collateral deposited to secure the person's appearance in court, and the forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation.

Approved April 2, 1993

CHAPTER 17

REINSTATEMENT OF ADMINISTRATIVELY DISSOLVED CORPORATIONS

H.F. 138

AN ACT relating to the time limitation within which an administratively dissolved corporation may apply for reinstatement.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 490.1422, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A corporation administratively dissolved under section 490.1421 may apply to the secretary of state for reinstatement within ~~ten~~ two years after the effective date of dissolution. The application must meet all of the following requirements:

Approved April 5, 1993

CHAPTER 18

STATE HISTORICAL SOCIETY BOARD OF TRUSTEES

H.F. 182

AN ACT relating to the expansion of the state historical society board of trustees.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 303.4, Code 1993, is amended to read as follows:

303.4 STATE HISTORICAL SOCIETY OF IOWA — BOARD OF TRUSTEES.

1. A state historical society board of trustees is established consisting of ~~seven~~ seven twelve members selected as follows:

a. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

b. ~~Four members shall be appointed by the governor, two of whom shall be on the faculty of a college or university in the state in disciplines related to the activities of the historical society~~ The governor shall appoint one member from each of the state's congressional districts.

c. The governor shall appoint four members from the state at large, at least one of whom shall be on the faculty of a college or university in the state engaged in a discipline related to the activities of the historical society.